

**UNITED STATE DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

COREY MANUEL,)	
)	
)	
Plaintiff,)	
)	
v.)	07 C 6335
)	Honorable
)	Ronald A. Guzman
SGT. LYLES, SGT. SMITH,)	
TOM DART, et al.,)	
)	
)	
Defendants.)	

**REPLY BRIEF OF DEFENDANTS DART, LYLES,
SMITH, MCGUIRE AND SALAZAR**

Defendants Tom Dart, Sheriff of Cook County, Sgt. Lyles, Sgt. Smith, Capt. McGuire, and Superintendent Salazar and of the Cook County Department of Corrections, in REPLY to Plaintiff's response, and in support of defendants' Rule 12 (b) (6) motions to dismiss the complaint,¹ state the following:

ARGUMENT

Defendants move to dismiss the Complaint because Plaintiff has failed to allege that defendants were personally involved in violating his civil rights, and because Plaintiff failed to state an official capacity (policy) claim against any defendant. Plaintiff has failed to state a cause of action under Section 1983.

¹ Sheriff Dart initially filed a motion to dismiss on December 14, 2007, before the remaining defendants had been served with summons. (document 11) Defendants Lyles, Smith, McGuire and Salazar filed their motion on January 3, 2008 (document 21) This reply is intended to address both motions.

Plaintiff's response to the motion dismiss, titled "Motion to Proceed" does not respond to any of the pleading and legal arguments set forth in defendants' motions to dismiss. Plaintiff does not address the failure of his complaint to state a cause of action under Section 1983 against any off the defendants. Plaintiff merely quotes extensive passages of Section 1983 and various cases, without any analysis or explanation as to the application of the quotes to the allegations in this case. Therefore Defendants' arguments in the motions to dismiss, which are fully supported by legal precedent, are un rebutted.

For this reason, and for all of those reasons stated in the motions to dismiss, the complaint should be dismissed as to all defendants.

Respectfully Submitted,

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